

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

DEMETRIUS CURTIS

PETITIONER

v.

No. 5:14-cv-294-DPM

RAY HOBBS, Director of the
Arkansas Department of Corrections

RESPONDENT

ORDER

The day after this Court adopted Magistrate Judge Young's recommendation and dismissed Curtis's amended habeas petition without prejudice, *Nº 16 & 17*, the Clerk received and filed another objecting document from Curtis. That document, *Nº 18*, was filed as a motion for reconsideration. Curtis repeats his arguments against dismissal based on available state remedies and supplements with a copy of the Chicot County Circuit Court's recent order denying his petition for mandamus for lack of jurisdiction. *Nº 18 at 2*. (The order's title says it is also granting Curtis permission to file a habeas petition; this is murky because Curtis filed a state habeas petition, which was denied in August. *Nº 18 at 1; Nº 8 at 3*.) Curtis can test the correctness of that no-jurisdiction ruling* by a timely appeal in the Arkansas courts. So there's

* See, e.g., Ark. Code Ann. § 16-115-102; *Davis v. Mabry*, 266 Ark. 487, 585 S.W.2d 949 (1979), overruled on other grounds in the supplemental opinion on denial of rehearing, *Bosnick v. Lockhart*, 283 Ark. 206, 677 S.W.2d 292 (1984); *Manila School District Number Fifteen v. White*, 338 Ark. 195, 992 S.W.2d 125 (1999).

still no exhaustion yet. Curtis's motion for reconsideration, No 18, is denied.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

11 November 2014